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20 **UNITED STATES DISTRICT COURT**  
21 **DISTRICT OF NEVADA**

22 Terence Jones,

23 Plaintiff,

24 v.

25 Receivables Performance Management  
26 LLC,

27 Defendant.

Case No.:

**Complaint for damages under the  
Fair Debt Collection Practices Act,  
15 U.S.C. § 1692 et seq.**

**Jury trial demanded**

## **Introduction**

1. In enacting the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (the “FDCPA”), Congress found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and determined that abusive debt collection practices contribute to bankruptcies, marital instability, the loss of jobs, and invasions of individual privacy. The FDCPA is intended to eliminate abusive debt collection practices by debt collectors. The Act ensures that law-abiding debt collectors are not competitively disadvantaged, and protects consumers against debt collection uniformly among the States.
2. Terence Jones (“Plaintiff”), by counsel, brings this action to challenge the actions of Receivables Performance Management LLC (“RPM” or “Defendant”), with regard to Defendant’s unlawful attempts to collect debt from Plaintiff, causing harm to Plaintiff.
3. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to Plaintiff, which Plaintiff alleges on personal knowledge.
4. While many violations are described below with specificity, this Complaint alleges violations of the statutes cited in their entirety.
5. Unless otherwise stated, all the conduct engaged in by Defendant took place in Nevada.
6. Any violations by Defendant were knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violations.

## **Jurisdiction and Venue**

7. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331 (federal question jurisdiction).
8. This action arises out of Defendant’s violations of the FDCPA.

1 9. Defendant is subject to personal jurisdiction in Nevada, as it is registered with the  
2 Nevada Secretary of State and conducts business in Nevada, and attempted to  
3 collect debt from Plaintiff in Nevada.

4 10. Venue is proper pursuant to 28 U.S.C. § 1391 because all the conduct giving rise  
5 to this complaint occurred in Nevada.

6 **Parties**

7 11. Plaintiff is a natural person who resides in Clark County, Nevada.

8 12. Plaintiff is alleged to owe a debt, and is a consumer as that term is defined by 15  
9 U.S.C. § 1692a(3).

10 13. Defendant is a company that offers debt collection services.

11 14. Defendant uses an instrumentality of interstate commerce or the mails in a  
12 business the principal purpose of which is the collection of debts; or who  
13 regularly collects or attempts to collect, directly or indirectly, debts owed or due  
14 or asserted to be owed or due another; and is a debt collector as defined by 15  
15 U.S.C. § 1692a(6).

16 15. Receivables Performance Management LLC is a corporation doing business in  
17 the State of Nevada.

18 16. Unless otherwise indicated, the use of Defendant's names in this Complaint  
19 includes all agents, employees, officers, members, directors, heirs, successors,  
20 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of  
21 the named Defendant.

22 **Factual allegations**

23 17. The following is some of the information Plaintiff is currently aware of, and it is  
24 expected that after Plaintiff conducts discovery, these allegations will be  
25 bolstered and enhanced through discovery.

26 18. Plaintiff is alleged to have owed a utility bill-related debt (the "debt").  
27

1 19.The debt was incurred primarily for personal, family or household purposes and  
2 is therefore a debt as that term is defined by 15 U.S.C. §1692a(5).

3 **Defendant was unlawfully collecting an amount that was neither expressly**  
4 **authorized by any agreement nor permitted by law**

5 20.Plaintiff has continuously received calls from Defendant in an effort to collect on  
6 the debt.

7 21.However, the debt does not belong to Plaintiff.

8 22.Plaintiff has informed Defendant multiple times that the debt does not belong to  
9 him, yet Defendant continues the phone calls and collection attempts.

10 23.As such, Defendant was attempting to collect an amount that it was not entitled  
11 to.

12 24.Under the FDCPA, a “debt collector may not use unfair or unconscionable means  
13 to collect or attempt to collect any debt.” 15 U.S.C. § 1692f. The Act prohibits  
14 “the collection of any amount (including any interest, fee, charge, or expense  
15 incidental to the principal obligation) unless such amount is expressly authorized  
16 by the agreement creating the debt or permitted by law.” 15 U.S.C. § 1692f(1).

17 **Plaintiff’s damages**

18 25.Plaintiff has suffered emotional distress and mental anguish as a result of  
19 Defendant’s actions described herein. In addition, Plaintiff incurred out-of-pocket  
20 costs and time in attempts to dispute Defendant’s actions. Plaintiff further  
21 suffered humiliation and embarrassment when Plaintiff needed to seek the help of  
22 others, including friends, family, and an attorney, because Plaintiff felt helpless  
23 against Defendant.

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**Defendant Violated the Fair Debt Collection Practices Act**

**15 U.S.C. §§ 1692 et seq.**

26.Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs of the Complaint as though fully stated herein.

27.Defendant's conduct violated § 1692d in that Defendant engaged in conduct the natural consequence of which was to harass, oppress, or abuse any person in connection with the collection of a debt. Specifically, Defendant's continued demands for Plaintiff to pay, despite the debt not belonging to Plaintiff had the natural consequence to harass, oppress, or abuse a consumer.

28.Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used unfair and unconscionable means to collect a debt .

29.Defendant's conduct violated 15 U.S.C. § 1692f(l) in that Defendant attempted to collect an amount not expressly authorized by the agreement creating the debt or permitted by law.

30.The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA.

31.As a result of each and every violation of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1), statutory damages up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

**Prayer for relief**

32.Wherefore, Plaintiff prays that judgment be entered against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);

- An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3); and
- Any other relief that this Court deems just and proper.

**Jury Demand**

33. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: October 8, 2021.

Respectfully submitted,

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